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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

11 PATRIC LAMB,

12 Plaintiff,

14 v.

15
16 TARGET CORPORATION, a Foreign
Corporation; DOES 1-20, and ROE BUSINESS
17 ENTITIES 1-20,

18 Defendants.

CASE NO.: 2:20-cv-00514-GMN-VCF

STIPULATION AND ORDER

20 The parties hereby stipulate and agree:

- 21 (a) No Waiver by Disclosure. This order is entered pursuant to Rule 502(d) of the Federal Rules of
22 Evidence. Subject to the provisions of this Order, if a party (the “Disclosing Party”) discloses
23 information in connection with the pending litigation that the Disclosing Party thereafter claims
24 to be privileged or protected by the attorney-client privilege, work product doctrine or
25 consulting expert privilege (“Protected Information”), the disclosure of that Protected
26 Information will not constitute a waiver in this or any other action of any claim of privilege
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1 or work product protection that the Disclosing Party would otherwise be entitled to assert
2 with respect to the Protected Information and its subject matter.

3 (b) Notification Requirements. Best Efforts of Receiving Party. A Disclosing Party must promptly
4 notify the party receiving the Protected Information (“the Receiving Party”), in writing or
5 electronically, that it has disclosed Protected Information without intending a waiver by the
6 disclosure. Upon such notification, the Receiving Party must—unless it contests the claim of
7 attorney-client privilege, work product protection or consulting expert privilege in
8 accordance with paragraph (c) promptly (i) notify the Disclosing Party that it will make best
9 efforts to return, or destroy (or in the case of electronically stored information, delete) the
10 Protected Information and any reasonably accessible copies it has and (ii) provide a
11 certification that it will cease further review, dissemination, and use of the Protected
12 Information. Within ten (10) business days of receipt of the notification from the Receiving
13 Party, the Disclosing Party must explain why the Protected Information is privileged.

14 (c) Contesting Privilege or Work Product Protection. If the Receiving Party contests the claim of
15 attorney-client privilege, work product protection or consulting expert privilege, the
16 Receiving Party must within ten (10) business days of receipt of the notice of disclosure
17 file a motion with the Court for an Order compelling disclosure of the information claimed
18 as unprotected (“Disclosure Motion”). Pending resolution of the Disclosure Motion, the
19 Receiving Party must not use the challenged information in any way or disclose it to any
20 person other than those required by law to be served with a copy of the Disclosure Motion.

21 (d) Stipulated Time Periods. The parties may stipulate to extend the time periods set forth in
22 paragraphs (b) and (c).

23 (e) Attorney’s Ethical Responsibilities. Nothing in this order overrides any attorney’s ethical
24 responsibilities to refrain from examining or disclosing materials that the attorney knows or
25 reasonably should know to be privileged and to inform the Disclosing Party that such materials
26 have been produced.

27 (f) Burden of Proving Privilege or Work-Product Protection. The Disclosing Party retains the
28 burden of establishing the privileged or protected nature of the Protected Information.

(g) In camera Review. Nothing in this Order limits the right of any party to petition the Court for an in camera review of the Protected Information.

(h) Voluntary and Subject Matter Waiver. This Order does not preclude a party from voluntarily waiving the attorney-client privilege, work product protection or consulting expert privilege. The provisions of Federal Rule 502(a) apply when the Disclosing Party uses or indicates that it may use information produced under this Order to support a claim or defense.

(i) Rule 502(b)(2). The provisions of Federal Rule of Evidence 502(b)(2) are inapplicable to the production of Protected Information under this Order.

(j) Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: June 26, 2020

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RICHARD HARRIS LAW FIRM

LINCOLN, GUSTAFSON & CERCOS LLP

/s/ Charles. S. Jackson

/s/ Caroline Roske Reilly

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IT IS SO ORDERED:

July 7, 2020



UNITED STATES MAGISTRATE JUDGE

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